

District Judge Jamal N Whitehead

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AGAJAN ALLABERDIYEV,

Plaintiff,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

No. 2:23-cv-02002-JNW

STIPULATED MOTION TO HOLD
CASE IN ABEYANCE AND
ORDER

Note on Motion Calendar: 03/08/2024

Plaintiff brought this litigation pursuant to the Administrative Procedure Act and Mandamus Act seeking, *inter alia*, to compel the U.S. Citizenship and Immigration Services (“USCIS”) adjudicate their Forms I-589, Applications for Asylum and for Withholding of Removal. Defendants’ response to the Complaint is currently due on March 17, 2024. The parties are currently working towards a resolution to this litigation. For good cause, the parties request that the Court hold the case in abeyance until July 10th, 2024, 21 days before the agreed-upon maximum date to conduct the asylum interview of August 1, 2024.

Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for

1 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.
2 P. 1.

3 With additional time, this case may be resolved without the need of further judicial
4 intervention. USCIS has scheduled Plaintiff’s asylum interview to take place by August 1, 2024.
5 USCIS agrees to diligently work towards completing the adjudications within 120 days of the
6 interview, absent unforeseen or exceptional circumstances that would require additional time for
7 adjudications. If the adjudications are not completed within that time, USCIS will provide a status
8 report to the Court. Plaintiff will submit all supplemental documents and evidence, if any, to
9 USCIS seven to ten days prior to the interview date. Plaintiff recognizes that failure to submit
10 documents prior to the interview may require the interview(s) to be rescheduled and the
11 adjudication(s) delayed. If needed, Plaintiff will bring an interpreter to the interviews, otherwise
12 the interview will need to be rescheduled and the adjudication delayed. After the interview, USCIS
13 will need time to adjudicate Plaintiff’s asylum applications. Once the applications are adjudicated,
14 Plaintiffs will dismiss the case with each party to bear their own litigation costs and attorneys’
15 fees. Accordingly, the parties request this abeyance to allow USCIS to conduct Plaintiff’s asylum
16 interview and then process his asylum application.

17 As additional time is necessary for this to occur, the parties request that the Court hold the
18 case in abeyance until July 10th, 2024 . The parties will submit a joint status report on or before
19 July 10th, 2024.

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1 Dated: March 8, 2024.

Respectfully submitted,

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3 s/ Zachary A. Cardin
4 ZACHARY A. CARDIN
5 (Md. Bar No. 1812110052)
6 Trial Attorney
7 Office of Immigration Litigation - District
8 Court Section
9 U.S. Department of Justice
10 P.O. Box 868, Ben Franklin Station
11 Washington, D.C. 20044
12 (202) 532-4067
13 zachary.a.cardin@usdoj.gov
14 *Attorney for Defendants*

15 ***I certify that this memorandum contains***
16 ***388 words, in compliance with the Local***
17 ***Civil Rules.***

18 s/ Bart Klein
19 BART KLEIN WSBA# 10909
20 Law Offices of Bart Klein
21 605 First Avenue, #500
22 Seattle, Washington 98104
23 Phone: 206-755-5651
24 Email: bart.klein@bartklein.com
Attorney for Plaintiff

ORDER

The case is held in abeyance until July 10, 2024. The parties shall submit a joint status report on or before July 10, 2024. It is so **ORDERED**.

DATED this 19th day of March, 2024.

A handwritten signature in black ink, appearing to read "Jamal N. Whitehead", is written over a solid horizontal line.

Jamal N. Whitehead
United States District Judge